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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 WEDI CORP.,

7 Plaintiff,

8 v.

9 BRIAN WRIGHT; HYDRO-BLOK
10 USA LLC; and HYDROBLOK
11 INTERNATIONAL LTD.,

12 Defendants.

13 SOUND PRODUCT SALES L.L.C.,

14 Counterclaimant,

15 v.

16 WEDI CORP.,

17 Counter-Defendant.

18 The following Minute Order is made by direction of the Court, the Honorable
19 Thomas S. Zilly, United States District Judge:

20 (1) Upon further consideration, the Court sua sponte revises the Minute Order
21 and Taxation of Costs entered April 10, 2020, docket no. 327, as follows (changes are in
22 red and underlined):

	<u>Requested</u>	<u>Disallowed</u>	<u>Allowed</u>
Filing Fee	\$400.00	\$400.00	\$0.00
Service of Subpoena on Emser Tile	\$365.00	\$365.00	\$0.00

	<u>Requested</u>	<u>Disallowed</u>	<u>Allowed</u>
Transcripts of Hearings	\$348.95	\$334.55	\$14.40
Transcripts of Depositions	\$8,115.00	<u>\$5,680.50</u>	<u>\$2,434.50</u>
Synchronized Video Recording of Depositions	\$5,031.25	withdrawn	\$0.00
Printing Costs	\$647.15	\$647.15	\$0.00
Shipping Costs	\$199.29	\$133.73	\$65.56
Messenger Fees	\$68.00	\$44.00	\$24.00
Certified Translation Fees	\$968.00	withdrawn	\$0.00
TOTAL	\$16,142.64	\$15,227.18	<u>\$2,538.46</u>

The filing fee is disallowed because it does not relate to any claim asserted by Brian Wright, Sound Product Sales L.L.C., Hydro-Blok USA LLC, and/or Hydroblok International Ltd. (collectively, “the Wright Defendants”) on which they prevailed. The subpoena service fees are disallowed because the Wright Defendants provided no explanation for such costs. The telephonic hearings held on July 14, 2015, and October 25, 2019, did not concern wedi’s Lanham Act, Consumer Protection Act (“CPA”), or abuse of process claims, on which partial judgment was entered in favor of the Wright Defendants, and thus, the transcript fees associated with those hearings are disallowed, but the Wright Defendants may recover the cost of the transcript of the telephone conference conducted on December 5, 2019, which was “necessarily obtained” to respond to wedi’s subsequent motion to amend judgment. See 28 U.S.C. § 1920(2). The Wright Defendants are awarded 30% of the requested deposition transcript expenses, which represents the approximate proportion that wedi’s Lanham Act, CPA, and abuse of process claims bore to all of its claims. The Wright Defendants have failed to provide any other basis for allocating the costs relating to deposition transcripts. All of the printing costs were incurred after the Lanham Act, CPA, and abuse of process claims had been dismissed, and most of the shipping expenses correspond to the period during which the parties were arbitrating non-Lanham Act/CPA/abuse-of-process matters. With regard to the \$41.12 charge for sending materials via Federal Express to Robert Half Legal, a staffing agency, the Wright Defendants have offered no basis for seeking such amount. Messenger fees for the time between October 11, 2018, when the Wright Defendants filed their motion for summary judgment seeking to dismiss inter alia the Lanham Act

1 claim, and September 19, 2019, when wedi's motion for reconsideration of the Court's
ruling dismissing such claim was denied, have been allowed.

2 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
3 record.

4 Dated this 13th day of April, 2020.

5 William M. McCool
6 Clerk

7 s/Karen Dews
8 Deputy Clerk